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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/296,202	04/21/1999	TODD R. COLLART	1A 1502.01A US	8074

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DISCOVISION ASSOCIATES
INTELLECTUAL PROPERTY DEVELOPMENT
2355 MAIN STREET, SUITE 200
IRVINE, CA 92614

EXAMINER

SHERR, CRISTINA O

ART UNIT	PAPER NUMBER
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3621

DATE MAILED: 07/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/296,202

Applicant(s)

COLLART, TODD R.

Examiner

Cristina Owen Sherr

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 April 2005.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-19 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____

DETAILED ACTION

1. This communication is in response to applicant's amendment filed April 4, 2005. Claims 1, 2, 5, 7, 8, 11, 12, 13, 16, and 19 have been amended.. Claims 1-19 are currently pending in this case.

Response to Arguments

2. Applicant's arguments with respect to claims 1-19 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tobita (US 5,938,730) in view of Kinney (US 5,808,662).

5. Tobita discloses a method comprising: incorporating a tracking identifier onto an electronic storage medium; tracking the electronic storage medium while being shipped between various entities using the tracking identifier, detecting tracking information transmitting the tracking information to a server computer, and determining appropriate support information utilizing logic in the server computer to transmit to a computer (e.g. col 4 ln 7 – col 5 ln 10).

6. Tobita does not disclose, but Kinney does, adding further tracking information to a database while being shipped between various entities (e.g. col 2 ln 5-40).

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7. With respect to claim 2, method as recited in claim 1, wherein the server computer performs a table lookup to determine an entity from the various entities that sold the package (Col 4 ln 7 – col 5 ln 10).

8. With respect to claim 3, method as recited in claim 1, wherein the server computer is coupled to the computer via a network.(Col 4 ln 7 – col 5 ln 10).

9. With respect to claim 4, a method as recited in claim 1, wherein the server computer transmits information utilizing an Internet protocol (Col 4 ln 7 – col 5 ln 10).

10. With respect to claim 5, a method as recited in claim 1, wherein a transaction is written to the database memorializing processing (Col 4 ln 7 – col 5 ln 10).

11. With respect to claim 6, a method as recited in claim 1, wherein support information is passed to the server to identify pertinent support information (Col 4 ln 7 – col 5 ln 10).

12. It would obvious to one of ordinary skill in the art to combine the teachings of Tobita and Kinney in order to obtain better security in the managing of software usage.

13. Claims 7-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tobita (US 5,938,730) in view of Kinney (US 5,808,662).

14. Tobita discloses, with respect to claim 7, an apparatus comprising; an electronic storage medium having a digital code: the digital code representative of an identifier of content on the optical disc electronic storage medium; means for tracking the electronic storage medium while being shipped between various entities using the identifier, the apparatus including logic that detects the tracking information; the apparatus including logic that transmits the tracking information to a server computer; and

the apparatus including logic in the server computer that determines appropriate support information utilizing logic in the server computer to transmit to a computer (Col 4 In 7 – col 5 In 10).

15. Tobita does not disclose, but Kinney does, means for adding further tracking information to a database while being shipped between various entities (e.g. col 2 In 5-40).

16. With respect to claim 8, an apparatus as recited in claim 7, wherein the server computer performs a table lookup to determine the retailer that sold the package (Col 4 In 10 – col 5 In 14).

17. With respect to claim 9, an apparatus as recited in claim 7, wherein the server computer is coupled to the computer via a 3 network (Col 4 In 10 – col 5 In 14).

18. With respect to claim 10, an apparatus as recited in claim 7, wherein the server computer transmits information utilizing an Internet protocol (Col 4 In 10 – col 5 In 14).

19. With respect to claim 11, an apparatus as recited in claim 7, wherein a transaction is written to a database memorializing processing (Col 4 In 10 – col 5 In 14).

20. It would obvious to one of ordinary skill in the art to combine the teachings of Tobita and Kinney in order to obtain better security in the managing of software usage.

21. Claims 12-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tobita (US 5,938,730) in view of Kinney (US 5,808,662).

22. Tobita discloses, with respect to claim 12, a program embodied on a computer readable medium for Identifying and providing a response to the use of an electronic storage medium having an identifier incorporated thereon, the program comprising: a

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code segment that reads the identifier of the electronic storage medium; a code segment for tracking the electronic medium while being shipped between various entities using tracking identifier and adding further tracking information to a database; a code segment that detects the tracking information when the package a code segment that transmits the tracking information to a server computer, and a code segment in the server computer that determines appropriate support information utilizing logic in the server computer to transmit to a computer (Col 4 ln 10 – col 5 ln 14).

23. Tobita does not disclose, but Kinney does, means for adding further tracking information to a database while being shipped between various entities (e.g. col 2 ln 5-40).

24. With respect to claim 13, the program as recited in claim 12, wherein the server computer performs a table lookup to determine the retailer that sold the package (Col 4 ln 10 – col 5 ln 14).

25. With respect to claim 14, the program as recited in claim 12, wherein the server computer is coupled to the computer via a network (Col 4 ln 10 – col 5 ln 14).

26. With respect to claim 15, the program as recited in claim 12, wherein the server computer initiates support of authorized information utilizing a transaction from the server computer (Col 4 ln 10 – col 5 ln 14).

27. With respect to claim 16, the program as recited in claim 12, wherein a transaction is written to a database memorializing processing (Col 4 ln 10 – col 5 ln 14).

28. With respect to claim 17, the program as recited in claim 12, including a code segment that receives live support information from the server computer (Col 4 ln 10 – col 5 ln 14).

29. With respect to claim 18, the program as recited in claim 17, including a code segment that transmits support criteria to the server computer (Col 4 ln 10 – col 5 ln 14).

30. With respect to claim 19, the program as recited in claim 12, including a code segment that posts support indicia of video, user information, and a suitable player to a database (Col 4 ln 10 – col 5 ln 14).

31. It would obvious to one of ordinary skill in the art to combine the teachings of Tobita and Kinney in order to obtain better security in the managing of software usage.

32. Examiner's note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant.

Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may be applied as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Conclusion

33. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

(1) a mail encoding and processing system (Allum et al US 5,420,403A);

(2) a method of securing the playback of a DVD-ROM via triggering data sent via cable network (Mages et al US 6,035,329A);

(3) Bannan,KJ; Private Pipes for Electronic Media (Econtent, Apr 2002).

34. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

35. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

36. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cristina Owen Sherr whose telephone number is 571-272-6711. The examiner can normally be reached on 8:30-5:00 Monday through Friday.

37. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 571-272-6712. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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38. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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